

Manual:	Fostering Service Procedures; Foster Carer Handbook
Title:	Exemptions to the Usual Fostering Limit (FCH/007)
Last Reviewed:	16/02/2015
Next Review Due:	16/02/2018

INTRODUCTION

Usual Limit

Schedule 7 to the Children Act 1989 limits the number of children that a foster carer can foster and the “usual fostering limit” is 3.

The Fostering Services Guidance 2011 states that this means that no-one may foster more than three children unless:

- The foster children are all siblings to each other, or
- The Local Authority within whose area the foster carer lives exempts the foster carer from the usual fostering limit in relation to the specific placements.

This “usual fostering limit” does not include the foster carers own children, any children they are child minding or any children placed with them by virtue of a Residence Order. However, the needs of all the children within the household will be considered when a decision is being made in respect of whether to grant an exemption.

If a local authority does not grant an exemption, the foster carer will be treated as running a Children’s Home and the Children’s Home Regulations will apply.

Applications for Exemptions

All applications for exemptions in respect of foster carers living in County Durham must be made to the Operations Manager, Fostering, Adoption and Full Circle.

Applications for exemptions in relation to Foster Carers living outside County Durham must be made to the Manager of the Fostering Service for the Local Authority in whose area the Foster Carer lives.

Application for exemptions can only be made with the agreement of the Foster Carers concerned.

The factors to be taken into account in considering whether to grant an exemption are as follows:

- The number, ages and circumstances of all the children concerned;
- The arrangements proposed for the care and accommodation of the children concerned;
- The relationship between the foster carers and the children concerned;
- The period of time over which the placement is likely to last;
- The likely effect on the children concerned and any other children living in the household;
- The foster carers' capacity to provide sufficient care for all the children in the placement;
- That the welfare of the fostered children (and any other children who are or will be living in the accommodation) will be safeguarded and promoted;
- The views of the child/ren’s social worker and the social worker of a child already in placement;
- There is evidence that the foster placement meets the child's needs;
- There is an appropriate risk assessment and safe care policy in place.

Exemptions of DCC Foster Carers living within County Durham and outside County Durham

In order to enable a decision to be made on the suitability of granting an exemption the Fostering Social Worker will assess whether the placements are suitable to the Foster Carers skills and abilities and that they are able to meet all the children's needs. In order to do this the Fostering Social Worker will consult with the following:

- The foster carers and their children;
- The social worker of any child placed;
- The social worker of any child/ren to be placed;
- The foster children already placed (if appropriate);
- Any one else whose views should be considered.

The Fostering Social worker will complete the Application for Exemption from the Usual Fostering Limit Form (Appendix 1) and this will include any conditions to be attached to the exemption.

The Team Manager of the Fostering Social Worker will complete their relevant section of the above form and will give their opinion on whether the exemption should be granted and on any conditions that should be attached to the exemption.

For those foster carers living within County Durham, the Application for Exemption Form should then be sent to the DCC Operations Manager, Fostering, Adoption and Full Circle.

Where the foster carers live outside County Durham, the Application for Exemption Form should then be sent to the Service Manager of that Local Authority.

In DCC the Operations Manager will make a decision whether to grant an exemption and whether it should be subject to any conditions, in consultation with the relevant Fostering Team Manager.

The Fostering Social Worker will ensure the decision is recorded on the Foster Carers SSID Case Notes.

Where a time limit is specified an exemption can only be extended beyond that date if the Operations Manager, Fostering, Adoption and Full Circle authorises it. The FSW must record this decision on the foster carer's record on SSID.

In the event that the Operations Manager, Fostering, Adoption and Full Circle is unavailable, any application for exemption will need to be made by the Strategic Manager, Looked After Children and Permanence Services.

Exemptions of IFA and other Local Authority Foster Carers living within County Durham

The Operations Manager, Fostering and Adoption will make decisions on Applications for Exemptions in the same way as is described in this procedure.

Giving the Foster Carer Notice of the Exemption in Writing

When an exemption from the usual fostering limit is made the Fostering Social Worker (or Business Support worker where the exemption is made for an IFA or other Local Authority foster carer living within County Durham) must ensure that the foster carer is sent the letter in Appendix 2 and the Notice of Exemption in Appendix 3.

The notice will set out:

- That the exemption has been agreed;
- The names and ages of the children whom the foster carer/s may foster;
- Any condition to which the exemption is subject.

The Fostering Social Worker should ensure that a copy of the above letter and notice is placed on the foster carer's case record.

Fostering Service Business Support will maintain a register of exemptions that are granted, both in relation to DCC foster carers and to IFA/Other Local Authorities foster carers.

Monitoring and Review of Exemptions

Agency Advisers to the Fostering Panels will ensure that information on the numbers of exemptions (of DCC foster carers) is presented to the Fostering Panels on a monthly basis.

Exemptions will be monitored at the monthly Fostering Safeguarding meetings.

Any exemption that exceeds a month should be reviewed on a monthly basis by the Fostering Social Worker and their Team Manager during supervision using the Review of Exemptions form in Appendix 4. This review will consider whether the exemption:

- Should be varied or cancelled or;
- Whether any condition can be imposed, varied or cancelled.

Complaints in respect of a Decision to grant an Exemption

If a foster carer or another Local Authority or Independent Fostering Provider are unhappy about the decision that has been made in respect of an exemption, they can in the first instance ask for the decision to be reviewed by the Strategic Manager, Services for Looked After Children and Permanence or within Stage One of the Departmental Representation and Complaints Procedure.

RELATED DOCUMENTS

Appendix 1 – Letter and Notice of Exemption from the Usual Fostering Limit

Appendix 2 – Application for Exemption from the Usual Fostering Limit

Appendix 3 - Review of an Exemption from the Usual Fostering Limit

Contact: F11 to move through fields - type contact name
Direct Tel: type telephone number
Fax:
e-mail: type email address
Your ref: type addressee's reference
Our ref: type sender's reference

Address Line 1. Press F11 to move through fields. Address - 6 lines maximum
Address Line 2
Address Line 3
Address Line 4
Address Line 5
Address Line 6. Press DELETE for fields not used

[Date]

Dear [Type Salutation]

Exemption from the Usual Fostering Limit

I am writing to let you know that an Exemption from Usual Fostering Limit has been granted to allow you to foster [Names of Children] for a period of [Dates of Exemption]

I enclose the Notice of Exemption from the usual fostering limit.

Yours sincerely

Operations Manager
Fostering, Adoption and Full Circle

**Notice of Exemption From The
Usual Fostering Limit**

(In accordance with S.63(12) and Schedule 7
Paragraph 4(3) Children Act 1989

The Operations Manager, Fostering, Adoption and Full Circle has granted you an exemption from usual fostering limit.

The children you may foster are named below:

[Names of children in placement]

This exemption is subject to the following conditions:

[conditions]

***Operations Manager
Fostering, Adoption and Full Circle***

DURHAM COUNTY COUNCIL

APPLICATION FOR EXEMPTION FROM THE USUAL FOSTERING LIMIT

(Local Authority Foster Carers)

PART ONE: To be completed by the Fostering Social Worker –

**Dates Exemption
Required**

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A. CURRENT POSITION

1. Details of Foster Carer/s who is/are requesting an exemption

Surname:		Surname:	
Forename:		Forename:	
Date of Birth:		Date of Birth:	
Religion:		Religion:	
Ethnic Origin:		Ethnic Origin:	
Employment:		Employment:	
Hours of Work:		Hours of Work:	
Address:			

2. Other Adult Members of the Household

Name	Date of Birth	Relationship to Carer

3. Children Currently in the Household

(Do not include any foster children)

Name	Date of Birth	Relationship to Carer

4. Details of the Accommodation (Describe house and use of rooms).

5. Current Demands on Foster Carer's Time (i.e. employment, childminding, leisure, ill-health, etc.)

6. Foster Carer's Current Terms of Approval

Number of Children:	
Gender of Children:	
Age Range:	
Type of Placement	
Date of Approval:	

7. Foster Children Currently Placed in Foster Home

Child One

Name	Date of Birth	Expected Length of Placement long term

Reason for Placement:

Child Two

Name	Date of Birth	Expected Length of

Reason for Placement:

Child Three

Name	Date of Birth	Expected Length of Placement

Reason for Placement:

B. PROPOSED POSITION

1. **Foster Child/ren Whom it is Proposed will be Placed in the Foster Home**

Child One

Name	Date of Birth	Expected Length of Placement, including dates.

Reason for Placement:

Child Two

Name	Date of Birth	Expected Length of Placement, including dates

Reason for Placement:

Child Three

Name	Date of Birth	Expected Length of Placement, including dates

Reason for Placement:

Purpose of Placement/s Summary

2. **Proposed Changes in the Use of the Accommodation**
(i.e. sleeping arrangements, management of any risk assessment issues)

Fostering Social Worker: _____ Date: _____

5. **Fostering Social Worker Views:**
(Include the views of children)

Fostering Social Worker _____ Date: _____

6. **Team Manager's Views:**

Team Manager Signed: _____ Date: _____

7. **Operation/Strategic Manager Views:**

Operation/Strategic Manager Signed: _____ Date: _____

Team Manager's Views:

Team Manager Signed: _____ **Date:** _____

Operation/Strategic Manager Views:

Operation/Strategic Manager Signed: _____ **Date:** _____